

M I N U T E S

OKLAHOMA COUNTY PLANNING COMMISSION

February 12, 2015

1:31 p.m.

The meeting of the Oklahoma County Planning Commission convened and was called to order by Mr. Will K. Jones, Chairman, at 1:31 p.m., in Room 103, Oklahoma County Office Building, 320 Robert S. Kerr, with the following individuals present:

Mr. Will K. Jones, Chairman
Ms. Irene Martin, Member
Mr. James Benson, Member
Mr. Charles Defuria, Member
Mr. David Richey, Member
Mr. Roger Holloway, Member
Mr. Ray Vaughn, County Commissioner, District 3

Also in attendance:

Mr. Tyler Gammon, Secretary
Ms. Gretchen Crawford, Assistant District Attorney
Mr. Stacey Trumbo, P.E., County Engineer
Mr. Erik Brandt, County Planner

Mr. Gammon called roll and a quorum was declared.

Mr. Jones welcomed Mr. Vaughn to the Planning Commission as its newest member, replacing Ms. Willa Johnson, County Commissioner, District 1.

Mr. Jones thanked, for the record, Ms. Johnson and Mr. Blough for their service on the Planning Commission for the last several years.

Approval of Minutes of the Previous Meeting: (January 8, 2015)

Mr. Benson motioned to approve the minutes of the previous meeting. Mr. Richey seconded. Vote taken: Vaughn – Abstain, Martin – Aye, Benson – Aye, Jones – Aye, Defuria – Aye, Richey – Aye, Holloway – Aye. The minutes were approved as submitted.

(Deferred Item): Discussion and possible action to approve/deny a zoning change from AA – Agricultural and Rural Residential District to a Revised Planned Unit Development (PUD-2014-01).

Application of:

CRAFTON TULL

This application was denied previously by the Planning Commission and forwarded on to the Board of County Commissioners (BOCC) for consideration. The BOCC returned the item back to the Planning Commission for reconsideration after the applicant redesigned his PUD to allow for larger residential lots on the west side of the property. The applicant proposed developing a single-family residential subdivision in accordance with the proposed PUD. If approved the

subdivision (**Estates at Coffee Creek**) will have 163 one-half acre or larger residential lots and one 8.17 acre commercial lot on a 155 acre tract. The following is the legal description of the property:

A tract of land situated within a portion of the Southeast Quarter (SE/4) of Section Seven (7), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian (I.M.) in Oklahoma County, Oklahoma, being more particularly described as follows: ALL of the SE/4 of said Section 7, LESS AND EXCEPT that 5 acre tract referenced in the Special Warranty Deed filed in the Office of the Oklahoma County Clerk in Book 8036, Page 120, being more fully described as the East Half (E/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Seven (7), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian (I.M.). Said tract contains approximately 155 acres, more or less.

Location: NW 220th and Pennsylvania Ave. (County Highway District #3)

Mr. Gammon stated that the applicant had submitted a letter requesting withdrawal of the item. He added that the applicant wished to defer the general plat companion item until the April Planning Commission meeting upon which time a new zoning application would also be heard. Mr. Gammon acknowledged that he was not sure if the general plat application could be deferred if the zoning application were to be changed. He stated that he felt a new general plat application that reflected the zoning changes needed to be submitted.

Mr. Kendall Dillon, Crafton Tull, stated that he had two pending applications. He added that he and his client's intention was to submit a new zoning application for RA (Acreage Residential) zoning for the April Planning Commission meeting. He felt that the changes made to the general plat would be minor and therefore it could be deferred until the April meeting to be heard along with the new rezoning application.

Mr. Richey motioned to accept the withdrawal request of the PUD application. Ms. Martin seconded. Vote taken: Vaughn – Aye, Martin – Aye, Benson – Aye, Jones – Aye, Defuria – Aye, Richey – Aye, Holloway – Aye. The item was withdrawn.

(Deferred Item): Discussion and possible action to approve/deny the General Plat of Estates at Coffee Creek (GP-2014-04).

Application of:

CRAFTON TULL

The applicant proposed developing a single-family residential subdivision in accordance with the proposed PUD. If approved the subdivision would have 163 one-half acre residential lots and one 8.17 acre commercial lot on a 155 acre tract. The following is the legal description of the property:

A tract of land situated within a portion of the Southeast Quarter (SE/4) of Section Seven (7), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian (I.M.) in Oklahoma County, Oklahoma, being more particularly described as follows: ALL of the SE/4 of said Section 7, LESS AND EXCEPT that 5 acre tract referenced in the Special Warranty Deed filed in the Office of the Oklahoma County Clerk in Book 8036, Page 120, being more fully described as the East Half (E/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Seven (7), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian (I.M.). Said tract contains approximately 155 acres, more or less.

Location: NW 220th and Pennsylvania Ave. (County Highway District #3)

Mr. Gammon reiterated that he felt that there needed to be a new general plat application. He stated that the revised general plat would have to be advertised and mailed to surrounding properties again. He added that the fees associated with these requirements should be met by the applicant not the County.

Mr. Kendall Dillon, Crafton Tull, asked that the item be withdrawn.

Mr. Richey motioned to accept the withdrawal request. Mr. Defuria seconded. Vote taken: Vaughn – Aye, Martin – Aye, Benson – Aye, Jones – Aye, Defuria – Aye, Richey – Aye, Holloway – Aye. The item was withdrawn.

Discussion and possible action to approve/deny a zoning change from AA – Agricultural and Rural Residential District with a Special Permit (SUP-2013-02) to Planned Unit Development (PUD-2014-03).

Application of: **THOMAS & KIMBERLEE INGMIRE**

The applicant proposed to permanently zone an existing Winery and Special Events Center on 1.84 acres. If approved, the PUD would allow the owner to continue the operation without periodic renewals. The following is the legal description of the property:

A tract of land located in the Northwest Quarter (NW/4) of Section Six (6), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma, being more particularly described as follows: Commencing at the Northwest corner (NW/C) of said Northwest Quarter (NW/4); Thence South 89°45'27" East on the North line of said NW/4, for a distance of 1688.84 feet to the Point of Beginning. Thence continuing South 89°45'27" East for a distance of 200.00 feet; Thence South 00°20'47" East for a distance of 400.00 feet; Thence North 89°45'27" West for a distance of 200.00 feet; Thence North 00°20'47" West for a distance of 400.00 feet to the Point of Beginning, containing 1.84 acres more or less.

Location: 6000 W. Waterloo Rd. (County Highway District #3)

Mr. Gammon stated that project had come before the Board on two separate occasions for renewal of the special use permit. He added that through discussions with the applicant, rezoning to a PUD was the best fit for the project long term. He added that the applicant wished to make the zoning permanent in order to secure financing from lenders.

Mr. Jones asked if the winery operation would be increasing with the PUD application.

Mr. Gammon stated that the project would not increase in size.

Mr. Vaughn asked for clarification of the term “special events” listed in the PUD statement. He added that the term was too broad and could lead to 24 hours a day, seven days a week of operations.

Mr. Dennis Box, attorney for the applicant, was present to answer questions regarding the application. He stated that securing financing when having to renew the special use permit was difficult. Therefore his client wished to make the zoning more permanent. He added that the “special events” ambiguity could be clarified by:

- Increasing the hours of operation from 10 a.m. – 12 a.m., 7 days per week or
- Set a definition for special events

Mr. Gammon asked if the number of special events could be limited per month.

Mr. Box stated that would be almost impossible to do, especially during the summer months when weddings were plentiful.

Mr. Vaughn stated that he did not have a problem with the number of days, but felt the neighbors may have concerns about the hours of operation.

Mr. Box stated that they would remove the term “special events” from the PUD statement and change the hours of operation from 10 a.m. to 12 a.m., 7 days per week.

Mr. Benson asked if all the issues between Mr. Ingmire and his neighbor to the west had been worked out.

Mr. Ingmire replied that he had spent thousands of dollars on trees and other landscaping buffers in order to provide his neighbor with as much privacy as possible.

Mr. Benson motioned to approve the PUD application as amended. Mr. Vaughn seconded. Vote taken: Vaughn – Aye, Martin – Aye, Benson – Aye, Jones – Aye, Defuria – Aye, Richey – Aye, Holloway – Aye. The PUD application was approved with a change in the hours of operation, days of operation and removal of the term “special events”.

Discussion of pending settlement of the litigation styled Garrett Development v. Board of County Commissioners, CV-14-1966 concerning the appeal of the denial of rezoning for real property described as:

The Northwest Quarter (NW/4) of Section Nineteen (19), Township Fourteen (14) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma. Being more particularly described as follows:

Commencing at the Northwest Corner of the Northwest Quarter of Section 19, Township 14 North, Range 3 West; thence South 89°25'12” East along the North line of said Northwest Quarter a distance of 2561.50 feet to the Northeast Corner of said Northwest Quarter; thence South 00°26'42” East along the East line of the said Northwest Quarter a distance of 2645.20 feet to the Southeast Corner of the said Northwest Quarter; thence North 89°24'15” West along the South line of said Northwest Quarter a distance of 2568.54 feet to the Southwest Corner of said Northwest Quarter; thence North 00°17'34” West along the West line of said Northwest Quarter a distance of 2644.37 feet to the said Point of Beginning. Said tract of land containing ±155.7158 Acres and or 6,782,979.9569 Square feet more or less.

Location: NW 206th & May Ave., (County Highway District #3)

Ms. Crawford stated that she wished to update the Board regarding litigation involving the County. She stated that the original plat was recommended for denial by the Planning Commission and denied by the Board of County Commissioners with a vote of 2 to 1. She added due to the enormous number of abutting property owners that protested; the vote had to be unanimous. Therefore the developer appealed to district court. She explained that the Board of County Commissioners had agreed to settle the case with the following stipulations:

- Setback of 125’ along Covell Road

- Setback of 100' along May Avenue
- Construction of brick wall, at least 6' tall, along Covell Road and May Avenue
- Proposed wall must be set far enough back to allow for a greenbelt
- Greenbelt must be landscaped with trees and berms, with sight triangles at the entrances
- Detailed landscape plan to be submitted
- Removal of stub roads, one to the east and one to the south
- Developer will ensure that the road running from Covell Road to May Avenue would be a true collector street with no driveways, traffic control devices and at least one sidewalk
- Developer must maintain at least 24% open space
- Developer cannot exceed number of homes originally proposed
- Install third lane on May Avenue
- Developer will redesign the plat so that there are 20% fewer lots along Covell Road and May Avenue

Ms. Crawford stated that once the order was entered and the property was officially rezoned, the Planning Commission would hear the case again for general plat approval. She added that the Commission would be restricted against making huge modifications to the plat because it was so closely tied to the rezoning portion and its modifications.

Mr. Jones asked if the Commission could be supplied with a document that enumerated all the modifications that the court order entailed.

Ms. Crawford replied that the Commission could be supplied with a copy of the court order.

Mr. Benson asked if there would be community input from the fire and sheriff departments when the general plat was heard again.

Mr. Gammon answered that since the changes made to the plat were minor and density was decreasing, the input given by the sheriff and fire departments would not need to be obtained again.

Discussion and possible action to receive January 2015 Fee Fund Report.

Mr. Benson motioned to receive the fee fund report. Mr. Holloway seconded. Vote taken: Vaughn – Aye, Martin – Aye, Benson – Aye, Jones – Aye, Defuria – Abstain, Richey – Aye, Holloway – Aye. The item was received.

New Business: In accordance with the open Meetings Act, Section, 311.9, New Business is defined, as any matter not known about or which could not have been reasonably foreseen prior to the time of posting the Agenda.

There was no new business.

Adjournment:

Mr. Richey motioned to adjourn. Mr. Defuria seconded. Vote taken: Vaughn – Aye, Martin – Aye, Benson – Aye, Jones – Aye, Defuria – Aye, Richey – Aye, Holloway – Aye. The meeting was adjourned at 2:10 p.m.

Approved this _____ day of _____, 2015

**OKLAHOMA COUNTY
PLANNING COMMISSION**

Will K. Jones, Chairman

ATTEST:

Tyler Gammon, Jr., Secretary